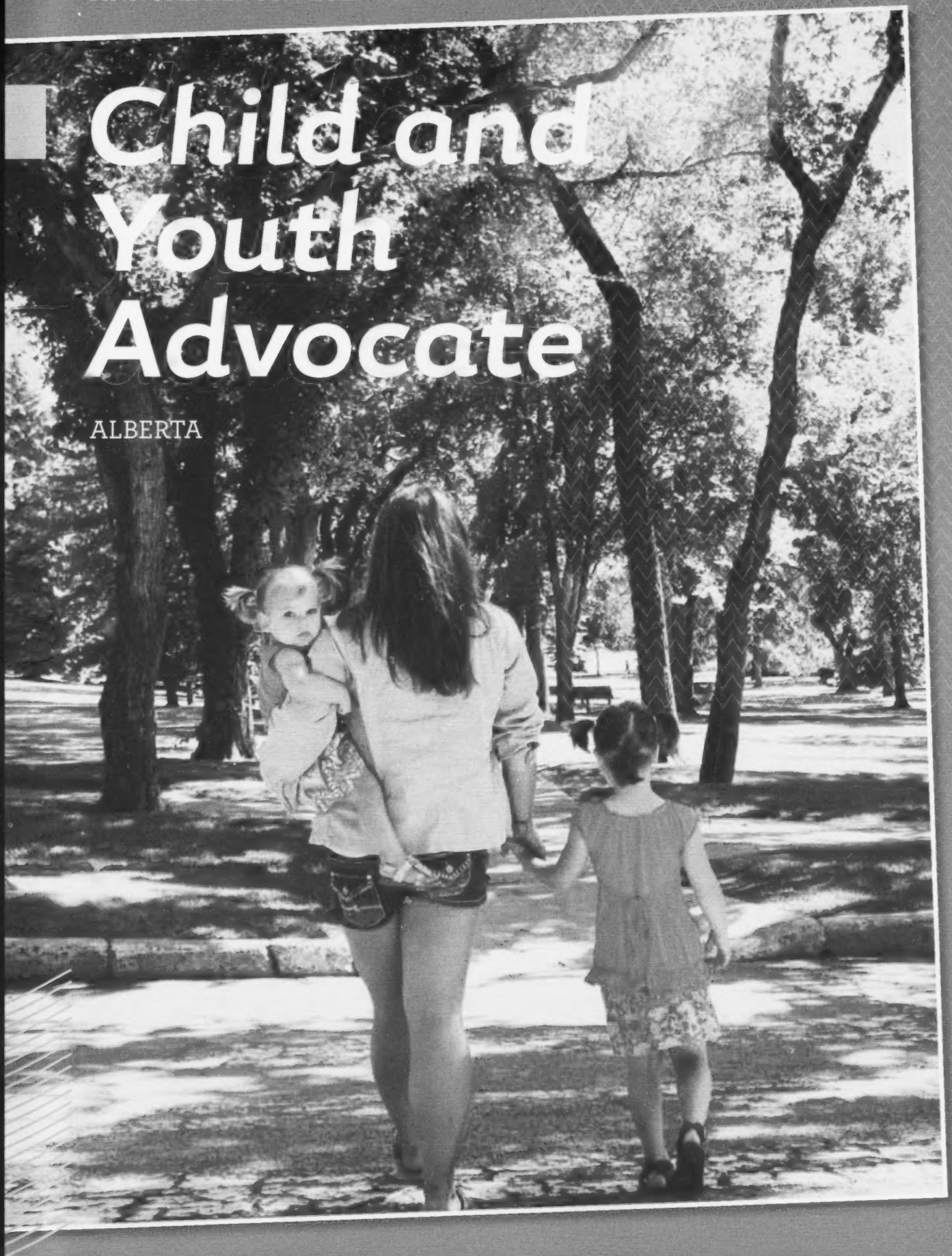
ANNUAL REPORT 2011–12

Child and Youth Advocate

ALBERTA



Cover photo taken in the Alberta Legislature Grounds by Glen Erickson

say

specialized advocacy
for **youngPeople**

March 31, 2012

The Honourable Gene Zwozdesky
Speaker of the Legislative Assembly
325 Legislature Building
10800 97 Avenue NW
Edmonton, AB T5K 2B6

Dear Mr. Speaker:

It is my privilege to submit to you the 2011-12 Annual Report of the Child and Youth Advocate of Alberta.

The Report has been prepared in accordance with Section 21(1) of the *Child and Youth Advocate Act* and covers the activities of the Office of the Child and Youth Advocate for the period April 1, 2011 to March 31, 2012.

Respectfully,

Del Graff
Child and Youth Advocate

Office of the Child and Youth Advocate

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CHILD AND YOUTH ADVOCATE
ANNUAL REPORT 2011–12

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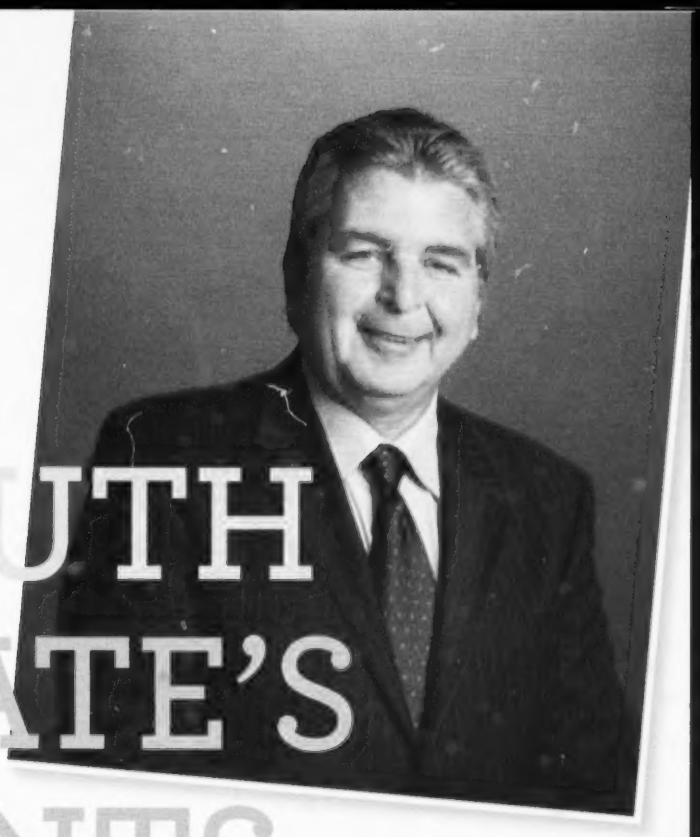
Our Vision

The rights, interests and viewpoints of Alberta's vulnerable children and youth are affirmed and acted upon.

Our Mission

We represent the rights, interests and viewpoints of Alberta children and youth who receive intervention services under the Enhancement Act *or the* Protection of Sexually Exploited Children Act *or who are involved with the youth criminal justice system.*



CHILD AND YOUTH ADVOCATE'S COMMENTS

Friends, colleagues, stakeholders, and most of all, the children and youth it is my privilege to serve, this has been a remarkable year for the Office of the Child and Youth Advocate (OCYA).

Find us online at
www.alberta.ca/advocate

It has been a year of growth and development in our work with young people.

It has also been a year of re-shaping our relationship with government and stakeholders.

In addition, it has been a year of change in preparation for becoming an independent Office of the Legislature. On April 1, 2012 the *Child and Youth Advocate Act* was proclaimed, making the Office of the Child and Youth Advocate an independent office reporting to the Legislature of Alberta. The Act is available on our website.

When I was appointed as the Child and Youth Advocate in June 2011, I was well aware that Alberta had a strong record of individual advocacy work and providing legal representation for children and youth.

After my arrival, we began to talk about our advocacy work with young people, and in particular, about how we might want to examine and improve upon our work. Out of these discussions came an interest in making progress in three areas:

Path Forward

The Path Forward are found on pages 12, 21, and 29 and are indicated by this symbol.

1 **increasing our focus on children's rights as identified in the United Nations Convention on the Rights of the Child**

2 **building a greater balance between individual advocacy and systemic advocacy, or advocacy that affects larger groups of young people**

3 **creating greater engagement opportunities with specific groups regarding advocacy**

For more information about the Convention on the Rights of the Child, visit their website at www.unicef.org/crc/

We have spent time considering the service we provide to young people to support them to have their voices heard in matters that affect them, and to assist them to resolve problems they experience while in government care. We have talked about placing a greater emphasis on young people as rights holders and what a difference that could make for young people we serve. Our advocates have begun this work.

We looked at the relationship between individual and systemic advocacy, and challenged ourselves to consider systemic advocacy issues as being more than a group of individual-based issues. We have identified the need for systemic advocacy to be a higher priority for the OCYA and will be allocating resources in the coming year to enable this work to progress.

This refers to children who are in need of intervention and have one of the following legal statuses: Emergency Apprehension; Apprehension Order; Custody Order; Interim Custody Order; Temporary Guardianship Order; Custody Agreement with Youth, Custody Agreement with Guardian; Permannent Guardianship Ageeement; or Permanent Guardianship Order.

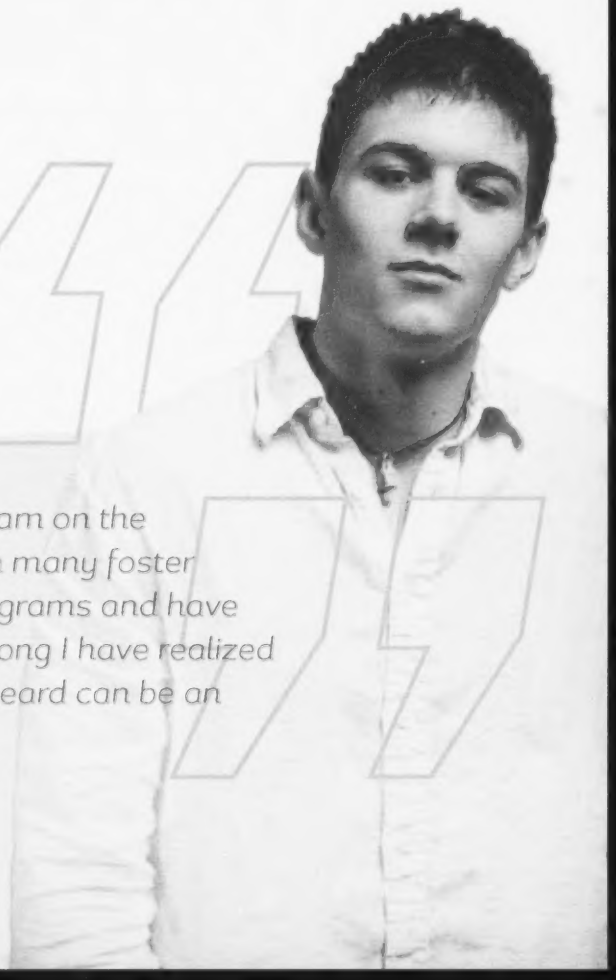
We have also looked at our engagement activities and identified how we need to change to enable engagement with stakeholder groups. This includes our involvement with First Nations and Métis people in Alberta, and with other stakeholders who work with vulnerable young people.

In November 2011, we became aware that the Government of Alberta would be moving forward with legislation to make the OCYA an independent office reporting to the Legislature. This led us to engage in significant activity to enable the eventual separation of our office from the Ministry of Human Services and the establishment of ourselves as an independent office.

The last six months of this year has included a tremendous amount of work from finance, human resources, and business planning to move forward to becoming an independent office. As well, increased communications has been required to ensure that our staff and stakeholders are aware and involved in the changes we are undertaking.

In this year's Annual Report, we will describe the services we have provided to vulnerable young people through Advocacy and Legal Representation for Children and Youth. We will identify the progress made on the systemic issues identified in last year's Annual Report. We will provide information about specific areas of advocacy as learning opportunities for those interested in further advocating for vulnerable young people. We will also describe what we envision as the path forward in each area of our Annual Report so that there is a clear sense of our future direction.

It is my distinct pleasure and privilege to serve as Alberta's Child and Youth Advocate. I am surrounded by people with passion and commitment, within the OCYA, and in communities throughout the Province, who are unwavering in their efforts to improve the lives of vulnerable children. I am confident that these efforts will continue to improve the lives of our vulnerable children in Alberta.



I've been in care since I was 13 and am now 20. I am on the extension that is only for 2 months. I have lived in many foster homes, group homes, and independent living programs and have been homeless. In being in social services for so long I have realized that if you don't speak up or do speak up being heard can be an issue. Youth in Care

OFFICE HIGHLIGHTS

2011–12 FINANCIAL HIGHLIGHTS

The OCYA expenses for 2011-12 was approximately $8.0 million. This represents an increase in spending of $0.7 million or nine per cent from the previous year. This increase of $0.7 million in spending was largely due to funding pressures in the Legal Representation for Children and Youth (LRCY) program to address increases in the services provided, as well as increases in costs per case.

OCYA's approved budget for 2011-12 was $7.173 million. The Office had been operating on a budget that had not increased in the past three years. Shortfalls in budgeted funding were authorized and covered under the Ministry of Human Services. At the end of 2011-12, the Office was $0.8 million over budget.

The targeted implementation date for LAPS is the fall of 2012.

INFORMATION SYSTEMS SUPPORT

During 2011-12, significant development work was undertaken to build an information system to support Legal Representation for Children and Youth (LRCY). The new Legal Appointments and Payments System (LAPS) will manage all aspects of the LRCY appointment process, including a lawyer self-serve module that allows lawyers to manage availability and to submit invoices for payment electronically. LAPS also provides more rigorous reporting capabilities.

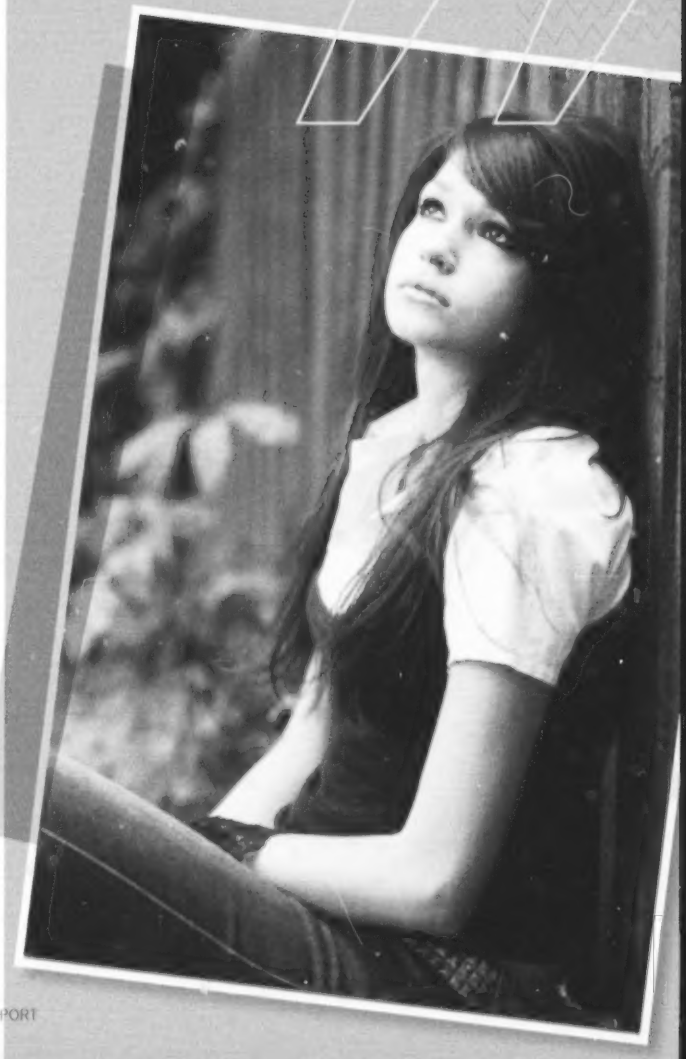
The Office also implemented in 2011-12 the LRCY Lawyer Training Database that manages lawyer registrations and attendance at training events.

The Office implemented new functionality in our System for Individual Advocacy Module (SIAM) to support the changes to the format of case information that is extracted from the new Intervention Services Information System (ISIS) that was implemented in the Ministry of Human Services.

ACCESS TO INFORMATION REQUESTS

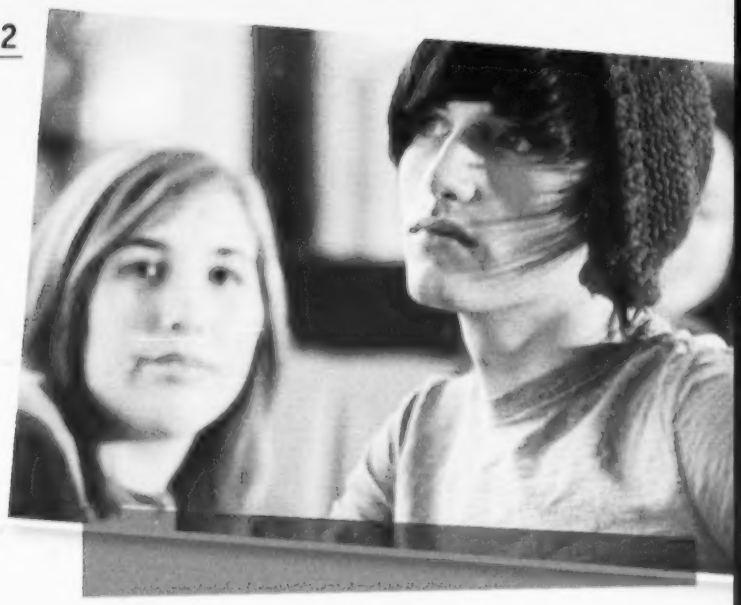
The Office of the Child and Youth Advocate received three access requests for personal information during the fiscal year. Personal information requests pertain to client records created in the course of providing advocacy or legal appointment services to children and youth.

> *At the moment I am still on an agreement I was only given two months this time, even though I will need help tell I 'am in advancing futures. Plus every meeting I have to bring a child's advocate with me just so that I don't get cut off which also can lead to me knowing that I don't have a voice when it comes to my file.* Youth in Care



When you turn 18 I feel you still need help you're still technically a teen and independence can be scary and working a minimum paying job and going to school is super stressful and I have a son which has made it very hard on me.

Youth in Care



THE PATH FORWARD – OFFICE

WORKING TOGETHER

The OCYA is working with the Ministry of Human Services to develop a Memorandum of Understanding that addresses how our organizations will collaborate with each other to ensure that the rights, interests and viewpoints of children and youth receiving designated services are considered in matters affecting them. As well, the Memorandum of Understanding will address the sharing of information between our two organizations in order to support the OCYA's legislated responsibilities.

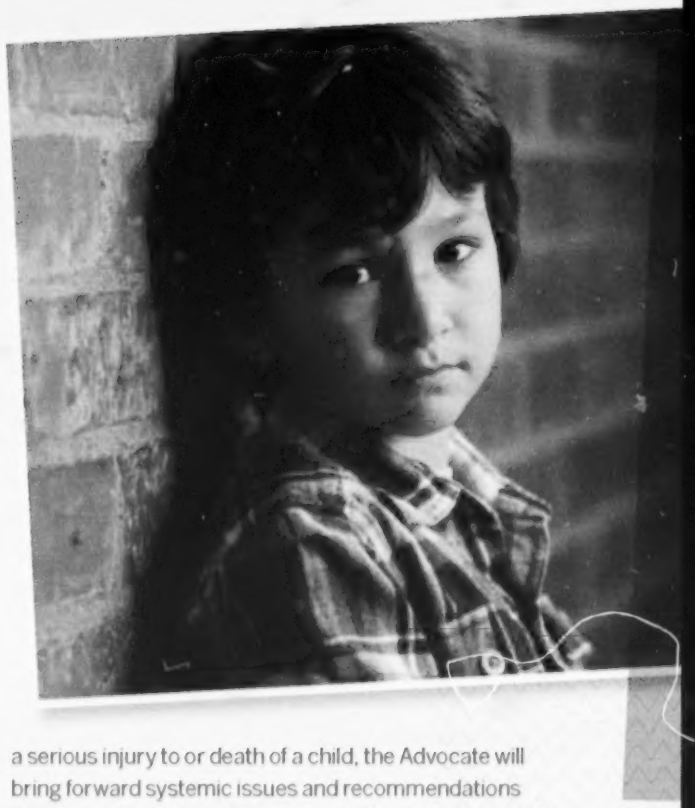
The OCYA will also be working with the Ministry of Justice and Solicitor General in 2012-13 to develop a Memorandum of Understanding to address how these two organizations will work together to ensure that children and youth receiving services in the youth criminal justice system have their rights, interests and viewpoints considered in matters affecting them.

2012-13 BUDGET

In January 2012, the Standing Committee on Legislative Offices approved the 2012-13 Budget of $11.038 million for the OCYA. The 2012-13 Budget reflects an increase of $3 million from the previous year to address the change in the Office's mandate based on the new *Child and Youth Advocate Act* proclaimed April 1, 2012.

ACCOMMODATIONS

With the increase in number of staff, the Office is working with Alberta Infrastructure to address the long-term accommodation needs of the Edmonton office in order to consolidate all staff in one location.



INFORMATION TECHNOLOGY

The Office of the Child and Youth Advocate is working with the Ministry of Human Services to develop a Memorandum of Understanding for the Ministry to support on an interim basis our current information technology applications. The Office of the Child and Youth Advocate is also reviewing other potential long term options for the provision of information technology application maintenance and hardware support.

BUSINESS PLAN SUMMARY

The OCYA is looking forward to greater autonomy and increased visibility in 2012–13 and the years to follow.

The 2012-15 Business Plan continues to anchor the office to the fundamentals of the business of ensuring that the rights, interests and viewpoints of children and youth are affirmed and acted upon.

The 2012-15 Business Plan focuses on several key areas:

1 Strengthen individual advocacy services

With the expanded mandate of the OCYA to provide advocacy services within Alberta's youth criminal justice system, it is necessary to hire and train new advocates to support the anticipated increased caseload.

Going forward there will be a focus on identifying best practices and outcomes for advocacy services both in the areas of child intervention and the youth criminal justice systems.

2 Increase systemic advocacy work

Through our advocacy work with young people, along with research conducted by our office, and investigations into a serious injury to or death of a child, the Advocate will bring forward systemic issues and recommendations for improving designated services to the Legislature and the respective Ministers.

To support the investigation into a serious injury to or death of a child or youth receiving designated services, the OCYA will develop and implement investigative procedures and capacity, and work collaboratively with stakeholders to build an integrated and responsive process.

3 Enhance quality legal representation for children and youth

The OCYA will enhance training and screening of OCYA appointed lawyers to ensure children and youth receive the highest quality legal representation possible.

4 Public education and stakeholder engagement

A public education program will be developed to educate stakeholders on the role of the Office of the Child and Youth Advocate, as well as inform the public about the rights of children and youth thereby broadening support and advocacy for young people in the community.

ADVOCACY SERVICES

Quarterly Reports can be found at ***www.alberta.ca/advocate*** *under Publications*

Advocacy Services is responsible for representing the rights, interests, and viewpoints of young people who come to the Office of the Child and Youth Advocate's (OCYA) attention and who are receiving services under the *Child, Youth and Family Enhancement Act (Enhancement Act)* or the *Protection of Sexually Exploited Children Act (PSECA).*

STATISTICS

The total number of young people served decreased this reporting year by 206 or seven per cent. This decrease is attributed to a change in how mandatory referrals are reported. Previously, all young people who resided in a placement at the time an 'abuse in care allegation' was made would be included in the mandatory referral numbers. Now, only those children who were allegedly abused or neglected are included in the mandatory referral numbers.

Children who may be impacted are now identified as a third party referral, which explains the increase for this group.

3,019*

Total Number of Young People Served

598

General Inquiries

** We received requests to provide services for 3,019 young people. The OCYA assigned advocates to 2,103 of these young people. The remaining referrals were closed at screening for such reasons as: 1. the presenting issue was outside of the scope of this office; 2. the young person was able and willing or had a supportive person who was able and willing to advocate on their behalf; or 3. the presenting issue was affecting an adult involved in the situation, not the young person.*

The majority of young people served by Advocacy Services are Aboriginal although there was a decrease of 155 Aboriginal young people served, or eight per cent over the previous year. The highest number of children served by age group is the 12-17 year range although it also decreased from the previous reporting year by 177 or 14 per cent.

The following charts provide information pertaining to the number of young people served, their ages and racial origin as well as who referred them to the OCYA.

QUARTERLY REPORTS

In the past, the OCYA has on a quarterly basis provided information to the Ministry of Human Services, the Child and Family Service Authorities (CFSAs) and the Delegated First Nation Agencies (DFNAs). The OCYA is currently reviewing this reporting process to determine if improvements can be made to the communication with Authorities and Agencies.

Referral Resources

Third party	1,421
Anonymous	12
Mandatory	926
Own motion*	37
Self-Referral	623

**Own motion referrals are those initiated by the Office of the Child and Youth Advocate.*

Ages of Young People Served

0-5 years	680
6-11 years	748
12-17 years	1,271
18-21 years	313
Over 21 years	7
Unknown	0

Racial Origin of Young People Served

Value not selected	5
Aboriginal*	1,748
Asian	19
Black	72
Caucasian	1,006
East Indian	9
Mixed Race	99
Unknown	61

**"Aboriginal" includes young people identified as Inuit, Métis, "non status," "potential to be registered," "status Indian," and "unknown."*

youth feedback survey

An important guide to the practice of the OCYA is the feedback received from young people on their experiences with Advocacy Services. Advocates work for young people, so it is crucial that young people are given the opportunity to provide their views on the services that they received and the impact that the service has had. Every youth age 12 years and older is given the opportunity to complete a Youth Feedback Survey, except when the young person's capacity to understand and answer the questions is limited.

Overall, the feedback was positive and youth were satisfied with the advocacy services that they received.

The OCYA is interested in hearing from more youth and subsequently has explored different ways to achieve this. It can be challenging to connect and hear from youth served given the number of moves some youth experience and their periodic lack of access to computers and the Internet.

In 2012-13, the OCYA will be working with an independent contractor who will make efforts to connect with youth, in a manner that works for the young person (for example, by telephone call or by text message), to receive their feedback and comments.

The youth feedback survey is also being modified to look at whether the goal of improving outcomes for youth is being achieved as identified by young people. It is the office's responsibility to carry out effective evaluations to assess the impact that advocacy has on young people.

Some of the comments received were:

- "She listened to me and made me aware of all of my options."
- "I like that she listened to me and helped me feel like people were starting to listen to me."
- "I'm glad I had one, because they actually listened to me and truly followed up. I was pleased with how much she communicated with me; she went above and beyond my expectations."
- "Thank you for being a voice for me."

Advocacy is a vital role to the work done with the youth of today. It teaches them the skills to work towards a goal, gives them strength to stand up for what they believe in and the rights they are entitled to, as well as the skills to problem solve through conflict in a productive and organized manner. Professionals working directly with these young people are the teachers, the mentors and the mediators, whose job it is to educate the young people on conflict resolution, teach them what their rights are as an individual and show them they are worth fighting for. The purpose of community-based advocacy is to ensure the systems are protecting the best interests of all persons within that community. The ability to advocate on the community levels brings awareness to systems that are struggling and provides opportunity to analyze that system and work towards strengthening it. The strength within that system will then impact the daily lives of the persons we serve. This is important as it shows us what is broken and what needs to fixed. Inner City Youth Housing has entered into a partnership with the advocate's office to take a more leading role in providing individual Advocacy as needed with the hopes that the Advocates office will then be able to do more community based advocacy and really create change within our systems and our communities. We are excited for this incredible opportunity and believe that small steps create big leaps.

MELANIE KENZIE, Program Supervisor, Inner City Youth Housing Program

ADVOCACY 101: THE BASICS AND BEYOND

The Office of the Child and Youth Advocate (OCYA) facilitated five workshops, held in Lethbridge, Grande Prairie, Blue Quills College (near St. Paul), Edmonton and Calgary. The locations were chosen to include rural, urban, and First Nation communities. The workshops, titled "Advocacy 101: The Basics and Beyond" provided full-day training to professionals on advocacy. The morning session provided participants with practical information on the basics of advocacy and in the afternoon participants chose from three presentations:

1. Community Advocacy
2. Rural and Indigenous Advocacy
3. Instructed/Uninstructed Advocacy

My group home staff showed me that stability is something that you build for yourself. They were the ones who advocated for me and enabled me to continue attending my high school even though I was out of district, just so that I could have some continuity. Following that group home, I moved three times, but I finished all three years of high school at the same school, and that meant much more to me.

Youth in Care

The OCYA's advocates and community partners facilitated the sessions. The learning from the workshops was pulled together with panels of youth who discussed their experiences receiving child intervention and advocacy services. For many participants, hearing from the youth on the panel was a powerful and enlightening experience. Further feedback from the workshops included:

- "Nice young men [youth panel], it was very inspirational to see first hand the positive impact the advocates have had."
- "Hearing directly from young men [youth panel] - the product of the system - what an inspiration. It was really beneficial to hear thoughts of those who had experienced an advocate."
- "It was a great introduction/ refresher to advocacy. It was brief but enough for me to think about advocacy in my work and how to incorporate it better."
- "I have a much more concrete idea of what advocacy is and what my role is. The Child and Youth Advocate focus really hit home and helped me realize that I would like to focus on youth work in my emerging social work career."
- "When I came I thought I didn't know how to advocate, but I found out that I have been doing it all along. I also learned how I can do it more effectively."

Child and Youth Advocate

INDIVIDUAL ADVOCACY PRACTICE

Young people sometimes find it hard to speak up for themselves or they do not know how to go about it. Other young people are unable to speak for themselves due to their age, developmental level or cognitive capacity. Young people receiving services are some of the most vulnerable, often not having support from their family. This is why advocacy is so important. Advocacy is about making sure that young people have a say in decisions made about them or that might affect them and to have their rights recognized and affirmed.

In understanding advocacy, the principles of practice provide great insight. The principles of advocacy include:

- The young person has rights as an individual, separate from the right to be protected from abuse and neglect.
- As a primary focus, the empowerment of the young person to speak for him/herself or to direct and instruct the activities of an advocate to speak on his/her behalf.
- An informal, non-intrusive style is key to effective advocacy. Informally negotiated, collaborative strategies, at the organizational level closest to the young person, are the preferred approaches to problem resolution; not formal or adversarial processes.

An advocate must be independent from those who are making decisions about young people. It is important to remember that advocates work for young people and young people must have faith that their interests come first. An advocate must be free to speak out when required. Being independent does not mean being neutral. Advocates are not neutral; they are on the side of the young person. They:

- Seek to enhance and support, rather than to replace, the young person's relationships with his/her natural support systems.
- Support the involvement of natural advocates, identified by a young person, who have an interest in assisting the young person.
- Are accessible, accountable, timely and consistent irrespective of the young person's location or circumstances.
- Focus on a problem-solving process that includes the collection and analysis of facts, the use of persuasion and access to progressive levels of decision makers. As much, as is possible, young people are included in this process. Advocates do not dictate outcomes.
- Encourage and respect diversity of opinion.
- Do everything reasonably possible to ascertain the viewpoint of the young person for whom they provide advocacy support.

Service Standards results will be available on our website in the fall of 2012.

When I was in care when I was younger I always wanted to cut myself off as soon as I turned 18 but as I matured and realized how much of a struggle it can be to be on your own I felt it was better for my benefit to leave when I am ready and when someone else is telling you that you're ready is definitely not right and can set you up for failure. When I was 18 and found out I was pregnant and wanted to live with my son's father they told me that I would be cut off and that he now pays for everything. I definitely did not believe in that because we were new parents this is when we needed help the most.

Youth in Care

STANDARDS FOR INDIVIDUAL ADVOCACY

The OCYA is now into the third year of monitoring for compliance to advocacy service standards. The standards represent what is minimally expected by an advocate in providing services to a young person. The service standards are one of the quality assurance mechanisms in place for Advocacy Services. Youth feedback surveys are another quality assurance mechanism. The standards and the monitoring of surveys are essential and ensure that young people receive consistent, quality advocacy service. Independent reviewers complete the monitoring using an established monitoring tool. All advocacy files are reviewed, not just a sample although not every standard applies to each case. For example, the standard concerning the involvement of a young person in planning does not apply to a case involving children who are not of chronological age or developmental level to participate. Each advocate's practice is monitored for compliance with the services standards in the following areas:

- responsiveness to referrals
- face-to-face contact with young people
- gathering information
- rationale to terminate involvement after gathering information or to provide advocacy services
- decision and rationale whether advocacy will be instructed or uninstructed
- responsiveness to develop an advocacy plan
- involvement of young person in planning
- recorded activity minimally every 60 days

THE PATH FORWARD – ADVOCACY SERVICES

The Child and Youth Advocate Act *was proclaimed on April 1, 2012*

With the new *Child and Youth Advocate Act*, substantial planning and capacity building is underway. The office is growing and developing the necessary knowledge and skills to meet the new expanded mandate of youth criminal justice. The Ministry of Justice and Solicitor General, various stakeholder groups and the youth themselves all provide important contributions to our learning.

As we set up the independent office, we need to the take the necessary steps to separate from the Ministry of Human Services. It will mean reviewing the involvement of our office with Human Services such as our participation in management meetings and with information sharing. As we reshape our relationship with Human Services, there will also be a concurrent period of developing new relationships with the Ministry of Justice and Solicitor General.

We are shifting practice to be more rights-based in our approach and with a greater emphasis on systemic advocacy. The office has a strong individual advocacy service and as we move forward, this service will be enhanced to focus on the broader perspective of collective rights, interests and viewpoints of young people receiving services.

Youth participation is crucial and it is our job to develop meaningful ways for them to be involved in planning and development of the services they receive, including advocacy services. In the coming year, we will be looking at innovative ways to involve youth.

Go to page 16 for feedback from youth on their experiences with Advocacy Services.

"Advocacy is an essential tool that enables those who are marginalized to have a voice in decisions that are being made about them. Often decisions are made on behalf of someone who is marginalized or vulnerable so that they stop believing what they have to say or think as being important. Advocacy is an essential tool that enables the marginalized to have a voice in decisions that are being made about them; it helps remind people that their experiences, beliefs and thoughts are important and are worthy of being heard."

CAITLIN BEATON, Manager of Community Development, The Mustard Seed

LRCY SERVICES

LRCY is an acronym for ***Legal Representation for Children and Youth***

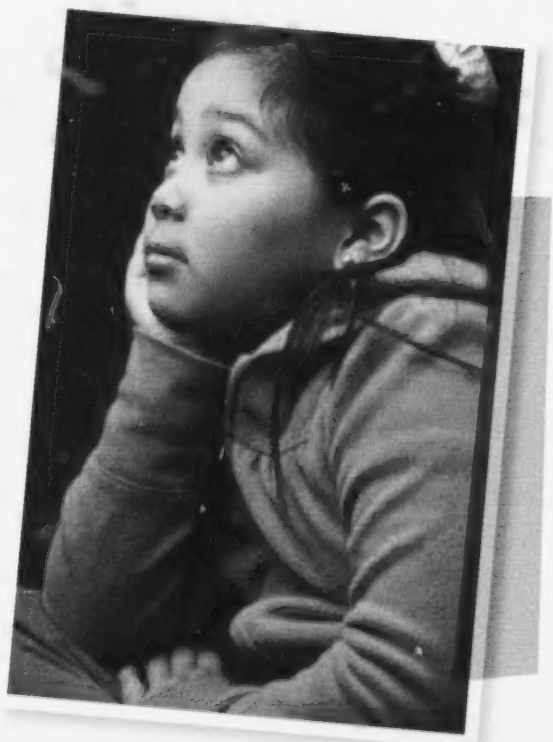
The Legal Representation for Children and Youth (LRCY) service was established in 2006 to provide independent legal counsel for children and youth receiving child intervention services for legal matters under the *Child, Youth and Family Enhancement Act* and the *Protection of Sexually Exploited Children Act*. LRCY provides timely, accessible, child and youth friendly service across the province. LRCY does not appoint lawyers for criminal or civil matters.

1,216

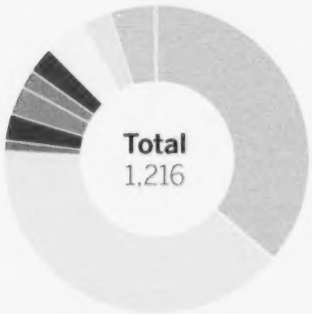
Total number of appointments, which was an increase of 50 appointments from the previous fiscal year

2,007

Total number of children who were appointed legal counsel, which was an increase of 142 children from the previous fiscal year

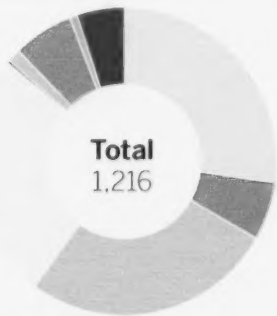


STATISTICS



Appointments by Court Location 2011–12

Calgary and Area	442
Drumheller and Area	2
Edmonton and Area	480
Ft. McMurray and Area	12
Grande Prairie and Area	35
Lethbridge and Area	38
Medicine Hat and Area	23
Peace River and Area	33
Red Deer and Area	55
St. Paul and Area	37
Wetaskiwin and Area	58
Unknown	1



Appointments by Court Matter 2011–12

Secure Services	334
PSECA[1]	73
TGO[2]	324
PGO[3]	317
Appeal Panel	4
Appeals to Court	17
Supervision Order	79
Access under PGO	9
Other[4]	59

For the past three years, I have been providing legal representation exclusively for children and youth referred to me through the Legal Representation for Children and Youth Program, Office of the Children's Advocate. The children and youth that I have represented are intelligent, articulate, and confused individuals who are more than willing to share their life experiences with someone who will listen. They are very interested in having some meaningful input into the decision making process that will have such a significant impact on their lives. They have expressed surprise when I advise them that I am meeting with them in order to listen to what they have to say and to obtain their instructions about what they want me to explain to the judge. It has been very rewarding to be able to assist the children and youth by helping them to achieve an outcome that is consistent with their wishes, is in their interests, and will ensure their continuing safety. The work can be challenging and difficult, but it has also been the most rewarding work of my legal career. Children and youth need to be treated with courtesy and respect in order to encourage them to speak for themselves so their advocates are better prepared to speak on their behalf.

LARRY ALAN MACINNIS, Barrister & Solicitor

1 *PSECA* refers to Confinement Orders under the *Protection of Sexually Exploited Children Act*

2 TGO refers to Temporary Guardianship Order

3 PGO refers to Permanent Guardianship Order

4 "Other" includes: 1) guardianship applications under the *Family Law Act* for children with permanent guardianship status, and 2) applications regarding a youth's child (when the youth has *Enhancement Act* status)

youth feedback

LRCY has an established process for obtaining youth feedback through a telephone survey. Youth, age 12 years and older, are contacted after a final invoice is received from their lawyer for their legal matter if they have an "in-care" status with Human Services.

The surveys are "anonymous;" the youth's identity is not shared with the lawyer. However, the aggregate results of the completed surveys are shared with a lawyer as part of the LRCY quality assurance process. Lawyers have voiced that they appreciate any feedback that they receive from their youth clients and will incorporate that feedback into their practice.

Over the past year, LRCY attempted to contact 376 youth and were successful in interviewing 144 youth about their experiences with 54 roster lawyers. Overall, the feedback was positive and youth were happy with the legal representation they received. Generally, they liked their lawyers and felt that having legal representation gave them a voice in the legal matter that was before the court. We heard from some youth that they would have liked to have had more contact with their lawyers and some felt that their lawyer did not explain what the Judge's decision meant.

Some additional comments were:

- "[My lawyer] was a wonderful lawyer and he explained things well."
- "My lawyer needed to talk to me more. I needed him to explain more to me...
  He was very nice though."
- "He was cool... a good guy."
- "I'd have him [represent me] again."

LAWYER TRAINING

For lawyers to maintain their membership on the LRCY roster, they are required to complete three hours of related, approved training per calendar year. LRCY offered the following training sessions for roster lawyers in 2011 (in addition to the LRCY Conference):

- Representing Infants and Toddlers in Family Court - February 2011
- Dealing with Child/Youth Clients who have been Labeled as a "Sexual Deviant" or a Sexual Perpetrator - March 2011
- Zebra Child Protection Centre Tour - May 2011

A brown bag lunch series was offered in Calgary and Edmonton for the third consecutive year. The noon hour sessions provided an opportunity for roster lawyers to network and discuss current relevant case law.

LRCY CONFERENCE

In September 2011, LRCY hosted the "Best Practices in Child Legal Representation" conference at the Banff Centre. It was an exciting opportunity for learning, sharing and networking in the developing area of child legal representation. There were 15 sessions attended by over 100 delegates from across Canada and the United States.

Feedback from participants was extremely positive and based on that feedback LRCY will be hosting a conference again in the fall of 2013.

Sessions included:

- Paternal Power to Children's Rights presented by Anne McGillivray. Anne is a Professor of Law at the University of Manitoba.
- Children's Experiences with Lawyers and Family Justice Professionals presented by Rachel Birnbaum and Nicholas Bala. Rachel is an Associate Professor of Social Work at King's University College at the University of Western Ontario. Nick is a law professor at Queen's University.
- National Advocacy Efforts in the United States in Pursuit of Right to Counsel for Children in Abuse and Neglect Proceedings presented by Donald Duquette. Donald is a clinical professor of law at the University of Michigan.
- The Impact of Trauma and Neglect on the Developing Child presented by Dr. Bruce Perry. Bruce is the Senior Fellow of The Child Trauma Academy, a not-for-profit organization based in Houston and adjunct Professor in the Department of Psychiatry and Behavioral Sciences at Northwestern University School of Medicine in Chicago.
- The Importance of Advocacy in a Child's Life presented by Mary Ellen Turpel-Lafond. She is the British Columbia Representative for Children and Youth.

SERVICE STANDARDS FOR LAWYERS

LRCY has an established Quality Assurance Framework that identifies the following outcomes for child and youth clients:

- Consistent
- Child/youth friendly
- Easily accessible from anywhere in the province
- Timely
- Quality legal representation

To support the achievement of these outcomes, service standards have been established for roster lawyers in six areas:

- Contact with child and youth clients
- Gathering information
- Representing the client's views in court
- Attending hearings
- Ensuring that clients are aware of their procedural rights
- Invoicing/case reporting

Each roster lawyer's practice is monitored for compliance with the *LRCY Service Standards* through regular quality assurance reviews.

The LRCY Quality Assurance Manager meets with each lawyer individually upon completion of their review to go over the results and discuss any concerns or issues. Roster lawyers have voiced that they appreciate the feedback and want to do the best job possible in representing young people.

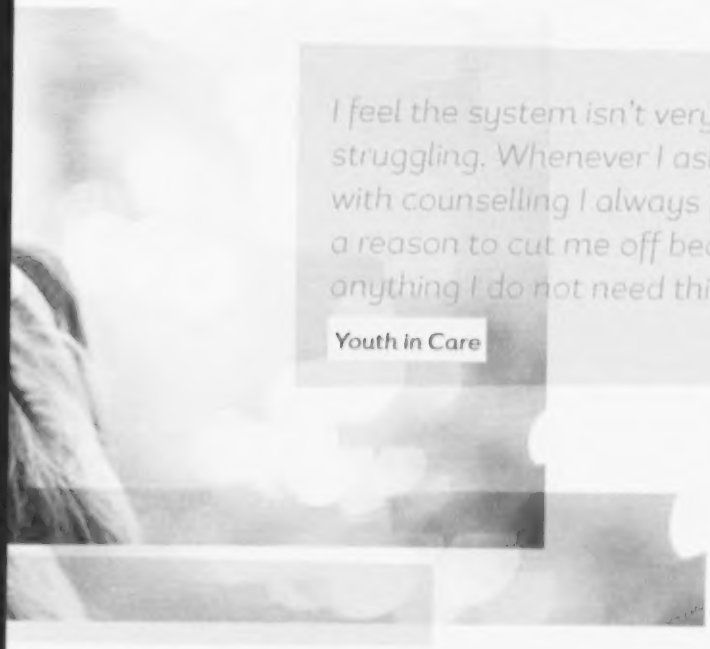
Overall, LRCY roster lawyers express pride about representing children and youth. They appreciate the implications of providing good legal representation to this vulnerable population.

The quality assurance reviews for the last quarter of 2011-12 have not been completed as of the writing of this report and therefore, overall compliance rates have not yet been determined. The LRCY Monitoring Report will be posted on the website in the fall of 2012.

To view the LRCY Monitoring Report visit ***www.alberta.ca/advocate***

"I am happy to report that I am in some ways in a better position now than ever before to assist children – in spite of the fact my interaction with them is much more formal. The odd exception will tell me what is on his or her mind and I am frequently surprised at what they say and how great a bearing this has on my final determination. So I would and do encourage kids to speak out in court, even if it can only be done through counsel. There's nothing quite like a youth's perspective to get me thinking and often in a different direction! Sooner or later these youths will be taking charge of their lives and their input can unlock those secret road maps to encouraging and inspiring them to do so more responsibly."

MICHAEL SAVARYN, Provincial Court Judge, Family Division



I feel the system isn't very lenient on you doing to good or if you're struggling. Whenever I ask for something as well like school, help with counselling I always feel like I shouldn't as that will be more of a reason to cut me off because I'm a higher need or if I don't ask for anything I do not need this service no more.

Youth in Care

THE ROLE OF LAWYERS

LRCY has established guidelines on the role of the children's lawyer that closely mirror the Law Society of Alberta guidelines. The guidelines were developed through a consultation process with roster lawyers and other stakeholders.

It is important to ensure that children and youth's rights, interests, and viewpoints are represented, and their voice heard in legal matters that concern them. This is important when those matters are related to a significant change in the child/youth's legal status such as an application for a Permanent Guardianship Order or when there is an application for a Confinement Order, which seriously impacts their liberty. Further, if there is a contested matter in which a number of other parties have legal representation so should the child/youth, to ensure that their voice is not lost in the legal arena.

It is the expectation that roster lawyers will take a role of "interest-based instructional advocacy" unless there is a reason not to. This means that while they take instructions from their child and youth clients, they must also take into consideration the child/youth's interests when presenting their instructions to the Court. What does this mean?

- "Counsel has an obligation to determine the interests of his client based on the child or youth's stated wishes, opinion, or position."
- "Ascertaining and representing a child or youth's *interests* is distinct from determining and representing a child or youth's *best interests*. A child or youth's interests may include the maintenance of stable relationships, preservation of the family unit, preservation of cultural identity, etc. A best interests approach is out of place in the context of an instructional advocacy role."

What are the expectations of an LRCY lawyer in relation to assuming an interest-based instructional advocacy role?

- Consult with the child or youth to ascertain his/her interests based on his/her wishes, opinions and positions
- Obtain the child or youth's consent before proceeding to advocate those interests on his/her behalf
- Report back to the child or youth on the outcomes of the advocacy initiatives

"Advocacy for the sexual and gender minority (LGBTQ) community means supporting youth to find and speak their own truth. No young person should have to live their life in fear or under the threat of violence. To advocate is to make visible the diverse realities and contributions of the many sexual and gender minority individuals who have made important, and often unknown, contributions to our society. To advocate is to make the invisible visible, the silent spoken, and shame transformed into pride. Our young people need visible adult role models and mentors who can show them, through their words and actions, that a person's sexual orientation or gender identity can be their greatest asset in life, rather than a perceived barrier. With each journey toward truth, comes hope and untold possibility."

DR. KRISTOPHER WELLS, Institute for Sexual Minority Studies and Services, University of Alberta

When would an LRCY lawyer not take an interest-based instructional advocacy role?

- If the child is pre-verbal
- If it is readily apparent that the child/youth's cognitive functioning is significantly impaired
- If there is mental impairment due to illness or intoxication

When instructional advocacy is not possible, for instance, when a child or youth is unable to express a wish, opinion, or position, or when conditions are present that justify a departure from this role, counsel will exercise discretion in determining which non-instruction based role to assume which may include:

- Best interests representative – counsel may substitute his judgment for the child's and present a position that serves the child's best interests (this is usually the position that a lawyer for the Statutory Director would assume)
- *Amicus curiae representative* – counsel assists the court by ensuring that all relevant evidence is before the court and providing information about legal issues that may arise
- The lawyer may request that LRCY appoint an "Instructing Agent" – the instructing agent would give instructions on behalf of the child or youth. The LRCY lawyer would consider the instructing agent the client and practice interest-based instructional advocacy

LRCY lawyers are expected to inform the court of the role that they have assumed when representing a child or youth.

THE PATH FORWARD – LRCY

As a new independent office, the focus of LRCY will be on:

LEGAL REPRESENTATION FOR CHILDREN AND YOUTH

- Increasing the knowledge of the LRCY program across the Child and Family Services Authorities and the Delegated First Nations Agencies, which will result in more appointments for legal representation for children and youth –ensuring that their voice is heard in legal matters that concern them
- Increasing training requirements for LRCY roster lawyers and reducing the number of lawyers on the roster so that child legal representation becomes more of a specialty area of practice
- Planning and hosting the second Best Practices in Legal Representation for Children Conference with a focus on children's rights which will highlight this growing area of practice and result in improved services for children and youth

In other jurisdictions, an "Instructing Agent" may be called a 'guardian ad litem'.

INVESTIGATIONS

- Investigating the serious injury and death of children receiving designated services
- Ensuring public confidence by establishing a transparent and consistent process when conducting investigations that focuses on quality improvement and best practices for children and youth in the child intervention and youth justice systems
- Providing learning opportunities to service providers and the public regarding investigations and the role of the OCYA to promote a broad understanding of the purpose of an independent investigative process

QUALITY ASSURANCE

- Enhancing and maintaining the quality assurance processes across the OCYA by on-going monitoring of standards for staff and lawyers who represent the rights, interests and viewpoints of children and youth
- Establishing a consistent practice and methodology for the youth feedback surveys across the office (for both advocacy and legal representation) as part of the quality assurance processes for the OCYA

SYSTEMIC ISSUES

This Annual Report highlights standing systemic issues and looks at new issues that have been identified. Last year, the office closed a number of systemic issues that were identified in previous annual reports after the Ministry of Human Services responded and resolved a number of these issues through changes in both policy and procedures.

Although they are resolved, the office will continue to observe progress on these issues and work with young people who may be affected by them.

The following systemic issues from previous annual reports remain open:

- The disproportionate number of aboriginal children in care;
- Capacity-building through rights education;
- Mandatory Notification; and
- Insufficient use of historical information to inform decision-making.

DEFINITION OF A SYSTEMIC ISSUE

Through individual advocacy and research, the OCYA identifies issues that appear to apply on a broader scale and be more systemic in nature. A systemic issue meets each one of these three criteria:

1. *The systemic issue affects more than an individual young person;*
2. *The systemic issue is not likely to only happen once. If the issue is not addressed, it is very likely to re-occur; and*
3. *The focus of intervention to address the issue is on changing policy, regulation or legislation.*

Standing Systemic Issues

PERMANENCY FOR YOUNG PEOPLE IN PERMANENT CARE

The Enhancement Act Policy Manual identifies that the overarching goal of permanency is to "cultivate a sense of belonging in each child" and to build "enduring relationships and stable placements." Permanency planning is a set of goal-directed activities designed to help children and youth to achieve permanent placements and meaningful relationships with the important people in their lives. One tool for working towards permanency is the "Concurrent Plan." The Ministry states that this plan "clearly defines the expectations placed on those most responsible to meet their needs." The goal of this process is to provide the child or youth with continuity of relationships with nurturing parents or caregivers, extended family and community, as well as with links to their cultural heritage. It also provides the opportunity to establish lifelong relationships.

While the goals of permanency as laid out by the Ministry are comprehensive, concerns around achieving permanency are still some of the most frequent issues raised by young people. Individuals often contact the OCYA with concerns about being separated from their family and community. The Ministry has made permanency planning a priority to be initiated at the beginning of services. As well, some Child and Family Services Authorities and Delegated First Nations Agencies have specific practices in place to support permanency for young people. Despite these efforts, young people continue to experience disruptions to their relationships with family, community, schools and friends. As the accompanying graph shows, while the Ministry has placed more of a focus on this area, the number of children has remained fairly constant over the past three years. The only change is that Aboriginal children account for a larger percentage of the number of children both in care and in permanent care.

Children/Youth in Permanent Care

March 2010 *(non Aboriginal)*	2,063
March 2010 *(Aboriginal)*	4,184
March 2011 *(non Aboriginal)*	1,855
March 2011 *(Aboriginal)*	4,133
March 2012 *(non Aboriginal)*	1,641
March 2012 *(Aboriginal)*	4,177

PLACEMENTS FOR YOUNG PEOPLE IN CARE

The availability of appropriate placements that support survival, security, permanency, and development is crucial in promoting positive outcomes for young people in Ministry care. Young people fare better when they live in a stable placement that is reflective of, and able to respond to, their individual needs.

Permanency and appropriate placements are inextricably linked. Poor placements can lead to increased breakdown of placements, more moves, and needed treatment and services being delayed. Research supports the fact that attachment disorders develop with increased disruptions in care.[5] Two or more placement moves has been found to increase emotional and medical needs.[6]

It is important to note that young people currently coming into care arrive more affected by emotional and behavioral problems than in the past. This means that a different set of needs has to be addressed by the placement. Research indicates that young people placed in foster homes and family-based care have an increased self-concept, higher educational achievement, and decreased criminal activity compared to those placed in more structured or institutional settings. Young people also have an increased likelihood of returning to their families of origin when placed in less restrictive settings such as foster homes or residential care.[7]

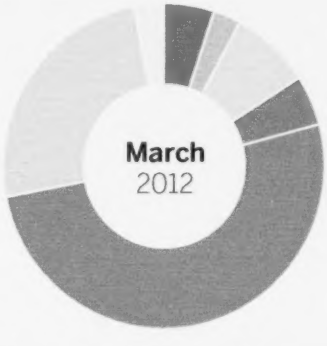
Children and youth are most often placed in one of the following settings: foster care, kinship care/family care, group care, treatment care, and independent living. Over the last couple of years, there has been little change in the proportion of young people placed in each setting. The proportion of young people placed in kinship/family care increased slightly from 24 per cent in March 2010 to 25 per cent in March 2012, while the proportion placed in foster care decreased slightly from 52 per cent to 51 per cent.

The most common placement by far is in foster care, with half of the young people experiencing this type of placement. Many young people also have foster care identified as their permanency placement objective. In 2011-12, there were 1,202 young people

5 (Aitken G. (2002). Extending Options in Permanency Planning in Permanency Planning in the Child Welfare System. Ottawa: Sparrow Lake Alliance: Children in Limbo Task Force. pp. 15-26.)

6 (Susan H. Badeau. 2004. Children, Families and Foster Care. The Future of Children. Vol. 14, Number 1, Winter 2004)

7 (Child Welfare League of Canada, Cheryl Farris-Manning and Marietta Zandstra Foster LIFE Inc. Children in Care in Canada: A summary of current issues and trends with recommendations for future research)



Placements of Chidren/ Youth in Permanent Care

Independent Living	5%
Treatment Care	3%
Group Care	8%
Permanency Placements*	5%
Foster Care	51%
Kinship Care/Family Care°	25%
Other†	3%

** Permanancy Placement refers to the placement of the child/youth in their permanent home prior to the adoption or Private Guardianship Order being granted*

° Kinship / Family Care includes children/youth placed with extended family, in parental care, or with significant others

† Other placement types include those in placement related to their health needs, in secure services, in youth justice facility, in a PSECA facility, or who are not currently placed

Children/Youth in Permanent Care with Foster Care as their Permanency Objective (2011/12)

0-1 year *(non Aboriginal)*	1
0-1 year *(Aboriginal)*	18
2-5 years *(non Aboriginal)*	5
2-5 years *(Aboriginal)*	197
6-9 years *(non Aboriginal)*	18
6-9 years *(Aboriginal)*	261
10-12 years *(non Aboriginal)*	41
10-12 years *(Aboriginal)*	225
13-15 years *(non Aboriginal)*	100
13-15 years *(Aboriginal)*	264
16-17 years *(non Aboriginal)*	17
16-17 years *(Aboriginal)*	55

in permanent care (monthly average) who had foster care as their permanency objective. This number has increased 13 per cent in the past two years (2009-10 monthly average was 1,068).

Eighty-five per cent of the young people with foster care identified as a permanency objective are Aboriginal; an increase from 80 per cent only two years ago.

A surprisingly high number, 18 per cent of young people with foster care identified as a permanency objective were five years of age or younger, compared to 14 per cent two years ago.

Proportionally, non-Aboriginal young people were more likely to have a permanency objective of adoption or private guardianship (47 per cent of non-Aboriginal children and youth in permanent care have this objective compared to 36 per cent of Aboriginal children and youth in permanent care). In addition, they are also more likely to have an adoption or private guardianship order granted once they have this permanency objective (35 per cent of non-Aboriginal children and youth with this objective compared to 18 per cent of their peers).

Status of Children/Youth in Permanent Care with a Goal of Adoption or Private Guardianship*

In permanent care *(March 2012)*	1,641
Permanency objective of adoption or private guardianship *(Monthly Average)*	770
Adoption or private guardianship orders granted *(2011-12)*	266
In permanent care *(March 2012)*	4,177
Permanency objective of adoption or private guardianship *(Monthly Average)*	1,483
Adoption or private guardianship orders granted *(2011-12)*	265

**the number of young people in permanent care was as of March 2012, the permanence objective was the monthly average for 2011-12 and the orders granted were the total granted throughout 2011-12.*

non-Aborignal
Aboriginal

2 Systemic Issues from Previous Annual Reports

DISPROPORTIONATE NUMBER OF ABORIGINAL CHILDREN IN CARE

The 2010-11 Annual Report describes the challenges and needs of Aboriginal young people involved with Ministry services as complex and difficult to resolve. While discussions have been ongoing between the Ministry and Aboriginal stakeholders, the disproportionate number of Aboriginal children in care continued to increase. There is an urgent need to take action on the following recommendations:

1. *Building on work to date, partner with Aboriginal stakeholders to safely reduce the number of Aboriginal young people coming into Ministry care.*

2. *Reduce the amount of time in care for Aboriginal young people.*

3. *Strengthen commitment to Aboriginal young people's ongoing connection and involvement with their families, communities and Nations and support their participation in culture and tradition.*

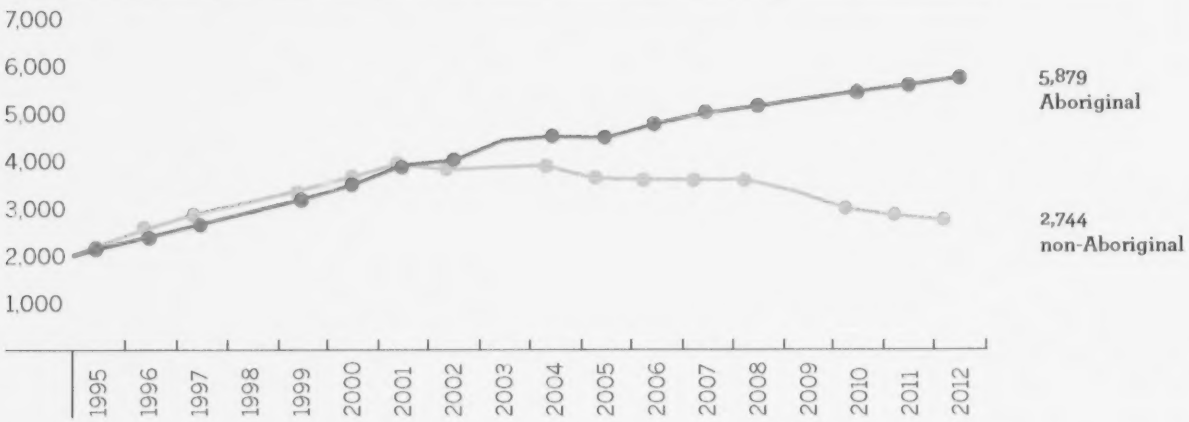
The disproportionate number of Aboriginal young people in government care increased again in 2011. Consistent with previous years, this is a result of both an increase in the actual number of Aboriginal young people in care, and a corresponding decrease in the actual number of non-Aboriginal children in care. The following graphs reflect the continuing disparity.

Although Aboriginal children and youth make up only nine per cent of the young people in Alberta aged 0-17 years (according to 2006 Census figures), they make up a much greater proportion of the children and youth receiving all types of child intervention services. The over-representation of Aboriginal young people increases with the severity of the intervention.

Over the last couple of years, this disparity has widened slightly. From 2009-10 to 2011-12, the percentage of children receiving services while Not in Care who were Aboriginal decreased two per cent, while the percentage in permanent care who were Aboriginal increased two per cent.

The Ministry's efforts regarding recruitment of Aboriginal caregivers and the Ministry's response to the 2010 Child Intervention Review Panel were reviewed in last year's report.

Number of Aboriginal and non-Aboriginal Children in Ministry Care in Alberta (March of each year)*



Receiving Services but Not in Care*

non-Aboriginal	2,255 (62%)
Aboriginal	1,383 (38%)

Permanent Care*

non-Aboriginal	1,641 (28%)
Aboriginal	4,177 (72%)

Temporary Care*

non-Aboriginal	1,150 (40%)
Aboriginal	1,702 (60%)

General Child Population**

non-Aboriginal	807,147 (91%)
Aboriginal	79,828 (9%)

** Statistics for Aboriginal and non Aboriginal children in care was extracted from the Child Youth Information Module and the Intervention Services Information System.*

*** Estimates based on population figures derived from Alberta Health and Wellness' Interactive Health Data Application (2012) and Statistics Canada's 2006 Census.*

There has been limited but steady progress in the percentage of Aboriginal young people in foster or kinship care who are placed with Aboriginal families or caregivers. In 2007, the percentage was 38.5 per cent and by 2011, it was 42.7 per cent.

An Assistant Deputy Minister for Aboriginal Policy and Initiatives Division was recruited and has focused on addressing issues related to Aboriginal young people in care. This division has been engaged in a series of community conversations and is working on developing a framework for change.

Work is underway on a Memorandum of Understanding with First Nations leaders and the federal government, based on a shared understanding and vision, that will support a new approach to serving Aboriginal children and families.

Unfortunately, while these initiatives were underway, the disproportionate number of Aboriginal children in government care continued to grow. This year is no different. In 2011, the number of Aboriginal children in government care again increased.

MINISTRY OF HUMAN SERVICES STATUS

The Aboriginal Policy and Initiatives Division was established in June 2011 and the Assistant Deputy Minister post was filled in early September of 2011. The Ministry is working collaboratively to develop a Memorandum of Understanding with First Nations leaders and the federal government, based on a shared understanding and vision, which will support a new approach to serving Aboriginal children and families. The Ministry continues to actively recruit Aboriginal caseworkers as well as Aboriginal foster parents and kinship care providers. The Ministry is also working to clarify and strengthen the role of the First Nations Designate in providing services to First Nations families.

- The proportion of Aboriginal children in care increased from 66 per cent in March 2011 (5,274 children) to 68 per cent in March 2012 (5,879 children, an increase of 155 children). This increase is affected by:
  - A decrease (three per cent or 214 children) in the number of non-Aboriginal children in permanent care from March 2011 to March 2012.
  - An increase in the number of both Aboriginal and non-Aboriginal children in temporary care.
- The Ministry committed significant effort to develop strategies for proactively recruiting Aboriginal staff and promoting Human Services as an employer of choice so that more children in care have access to culturally congruent services, which will be implemented in the upcoming year.
  - The strategy utilizes reputable ambassadors who are current Aboriginal staff members, and informs Aboriginal stakeholders of the type of work available in the field.
  - The development of a set of informational tools was initiated. A steering committee was established and the materials will include a booklet with personal stories and an associated website, and will highlight Aboriginal staff.
- Collaborative work between Treaty areas and CFSAs within the Treaty areas was initiated regarding the definition and responsibilities of the role of the First Nations designate, with Chief and Councils, CFSA staff and DFNA staff and representatives from non-delegated First Nations.
- In order to provide services that reflect and respect Aboriginal history and culture, the Ministry is committed to enhancing staff cultural competency and understanding of the challenges facing Aboriginal families and communities.
- Significant work was done to implement collaborative projects with community agencies and numerous community engagement opportunities were initiated.

Examples of these initiatives include:

- The development of the "Leveling the Playing Field" initiative, which is a partnership between the Creating Hope Society, the Multi-Cultural Health Brokers and the Ministry to support Aboriginal and immigrant women who become involved with the child intervention system.
- Significant work went into preparing for the April 1, 2012 launch of the first Aboriginal Outcomes-Based Service Delivery pilot site, a partnership between the Bent Arrow Traditional Healing Society, the Boyle Street Co-Op and the Edmonton and Area CFSA.
- Aboriginal Policy and Community Engagement (APCE) Division began participation in "The Braid Project" initiative, which is a project to collectively and collaboratively understand the trend of Aboriginal over- and under-representation in the child intervention system.
- APCE partnered with Aboriginal Colleges, other scholars, other governments and organizations in a "Social Reconciliation Project". The partners are working collaboratively on ways to build the systemic conditions key to sustainable, self-directed economic development.

ADVOCATE'S RECOMMENDATION FROM 2010

The Ministry take action, developed in partnership with Aboriginal stakeholders, that builds on work to date, and specifically addresses safety, reducing the number of Aboriginal young people coming into Ministry care, and for those who do, reducing the amount of time in care that builds on the work to date, and starts reversing an upward trend for Aboriginal young people in Ministry care.

As well, for those Aboriginal young people who are in care, this action needs to include an increased commitment to their ongoing connection and involvement with their families, communities, and Nations and support for participation in their cultures and traditions.

PROGRESS IDENTIFIED BY CHILD AND YOUTH ADVOCATE

To date there has still been no concrete action plan developed and implemented in partnership with Aboriginal stakeholders, to address the disproportionate number of Aboriginal children in government care. There is no priority more urgent and pressing for children in care of the Ministry of Human Services. The disproportionate number of Aboriginal young people in Government care has to be addressed with clear commitment and concrete action. This is the only way that Aboriginal young people will have a different experience with child intervention services in the future than they have had in the past.

On numerous occasions, it is apparent where there is a lack of knowledge and understanding in regards to Aboriginal culture and traditions. In dealing with Aboriginal children and youth, an awareness of their cultural values and traditions needs to be recognized and applied in the work that takes place. In our current circumstances where there are a high number of children and youth in care who are Aboriginal, I am grateful that one of our own, Del Graff, is the new Children's Advocate.

DR. EVA CARDINAL

CAPACITY-BUILDING THROUGH RIGHTS EDUCATION

Capacity-building through rights education was first identified as a systemic issue in the 2010-11 Annual Report. Informing young people of their rights is important to fostering problem-solving skills and learning to negotiate their experiences "in care." Rights-based education informs young people of their rights and assists them in learning how to exercise these rights. This rights-based education provides young people a basis to engage in advocacy work and develop the ability to advocate for themselves. It also focuses on problem-solving skills, which help young people use the rights they have to remedy problems they identify that are related to, or stemming from, being in care or involved with the Ministry. A particular advocacy strategy is to make sure young people have the opportunity to participate and be heard when decisions about them are being made.

In support of this, the *Child, Youth and Family Enhancement Act*, sections 2.1 and 2(d) imposes obligations on the Statutory Director to ensure that young people are informed of their procedural and substantive rights.

Child and Youth Advocate

MINISTRY OF HUMAN SERVICES STATUS

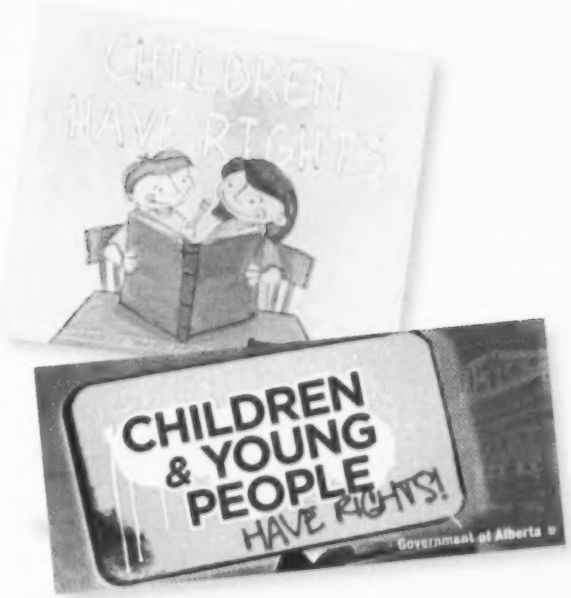
The revised policy was implemented on October 1, 2011. The *Children Have Rights* and *Children and Youth Have Rights* booklets have been well received by casework staff and have been distributed province-wide. Delegation training for new staff includes material specific to children's rights, and new staff are provided with copies of the rights booklets during training.

- The Ministry continued to work closely and collaboratively with the OCYA to ensure rights awareness and protection of rights for children receiving services.
- The *Children Have Rights* and *Children and Youth Have Rights* booklets are publicly accessible online on both the Ministry and OCYA websites.
- Revised policy implemented on October 1, 2011 provides casework staff with clear direction regarding:
  - what procedural rights children and youth have;
  - when children and youth are to be provided with copies of the rights booklets;
  - when additional conversations about rights must occur with children and youth; and,
  - how to have a discussion with a child or youth that reflects the child's age, developmental level and any special needs for the child.
- Mandatory delegation training for new casework staff includes a module regarding procedural rights for children and care.
  - This topic is in the "Working Toward Permanency" module. A class discussion regarding procedural rights, including how and when to have rights conversations with children, and how to demonstrate to the Court that appropriate conversations have occurred, is facilitated by the Trainer.

- The Ministry received feedback that more information specific to Aboriginal children should be included in the rights booklets. The Ministry is committed to working collaboratively with the OCYA to successfully incorporate this feedback.

- The Ministry worked collaboratively with the OCYA in the development of *Child and Youth Advocate Act* and its accompanying regulation for proclamation for April 1, 2012. The Ministry will continue to support the mandated activities of the OCYA under the new legislation s.9(2)(f) regarding promoting the rights, interests and well-being of children.

- Recent discussions with academics and practitioners are reinforcing the need to support practice that includes the voice of children, youth and families, and builds off the Untied Nations Convention on the Rights of the Child. A practice framework is being constructed by practitioners and policy makers that is founded on rights, values and quantitative and qualitative leading practice evidence.



ADVOCATE'S RECOMMENDATION FROM 2011

- Further research into the benefits of building capacity, involving young people in decision-making, and informing them of their rights.

- A compendium for training regarding the procedural rights booklets, to help caseworkers fully understand their legal obligations and the practical benefits of involving young people in decisions and developing their capacity to problem solve.

- Include a module in Delegation training on substantive and procedural rights for caseworkers, including strategies on engaging young people to learn about and use these rights in their every day lives.

- Reinforce standard points in involvement with young people when discussions of rights should occur

- Ongoing messages and key learning provided by the Ministry to reinforce the importance of knowledge building around rights education.

PROGRESS IDENTIFIED BY CHILD AND YOUTH ADVOCATE

The Advocate acknowledges that the Ministry has moved forward significant policy development and has made efforts to ensure supports are in place to help young people understand and exercise their rights. While there has been significant progress made, young people continue to express that they feel as though they do not have "a say" in both discussions about their lives and decisions that are made about them.

MANDATORY NOTIFICATION

There are times when it is mandatory for a young person receiving services under the *Child, Youth and Family Enhancement Act (Enhancement Act)* or the *Protection of Sexually Exploited Children Act (PSECA)*, to come to the attention of the Child and Youth Advocate. This process is known as Mandatory Notification. As indicated in Enhancement Act Policy section 1.3.1, caseworkers are required to notify the Office of the Child and Youth Advocate when any of the following four situations arises for a child or young person:

- A young person disagrees with a significant decision that pertains to them.
- The needs of a child are not being met.
- Significant persons in the child's life have competing perspectives that are not focused on the child.
- An allegation of abuse or neglect of a child in care is made.

The purpose of mandatory notifications is to make sure the Child and Youth Advocate and the Statutory Director are aware of concerns in these areas, and that the young person has advocacy services at critical points in his or her life.

MINISTRY OF HUMAN SERVICES STATUS

The revised Mandatory Notification policy was implemented on April 1, 2011. The Ministry continues to review the information and report to the Minister and the public every quarter. To ensure open communication, the Ministry and the OCYA have agreed to meet regularly to discuss current issues, address concerns and provide updates on initiatives.

- Monthly meetings have occurred between the Child and Youth Advocate and the Assistant Deputy Ministers of Child Intervention Program Quality and Supports and Child and Family Services Delivery.
- Mandatory notifications have been discussed several times at the Provincial Enhancement Table, in terms of the intent behind them, the reporting process for caseworkers, trends and/or systemic issues identified and the Ministry reporting process at the end of each quarter.
- On a quarterly basis, upon review of the information received about the mandatory notifications, issues and concerns that may be present are addressed at a regional level, as well as discussed at the Provincial Enhancement Table.

We all need a network, to advise us, confide in, or share life experiences. If a youth has been disconnected from family, and possibly moved through several schools, it's likely they haven't built positive connections. The community needs to advocate for them. This can take many forms, from being a mentor in an established program to simply being a person who is open, honest, and willing to see the value in every youth. No matter what role, the results are always beneficial.

ERIC STOREY, Youth Mentor

When talking about the extensions youth have when they turn 18 is so different than what I thought when I was younger. It's difficult to prepare and realize that you might get cut off that day if you're not in need of the system or at least what they think "in need" means...

Youth in Care

ADVOCATES RECOMMENDATION FROM 2010

I recommended that the Ministry do the following:

- Set up a system by which mandatory notifications are tracked, monitored, and aggregated internally.
- Analyze the information for themes and trends.
- Use the information to inform policy and practice.
- Internally monitor the adherence to the mandatory notifications policy and procedures province-wide to ensure the mandatory notifications protocol is consistent throughout CFSAs and DFNAs.

PROGRESS IDENTIFIED BY CHILD AND YOUTH ADVOCATE

While discussions have taken place, and there has been some tracking and reporting, progress on my recommendations from 2010 remains limited.

While the Ministry has made progress in tracking individual case responses, the current practice does not support quality assurance at a Ministry-wide level. There is no Ministry-wide system in place to ensure mandatory notifications are compiled and analyzed for themes and trends to inform policy and practice.

There are also no measures to ensure the consistent submission and review of mandatory notifications throughout the Child and Family Services Authorities (CFSAs), and Delegated First Nation Agencies (DFNAs).

INSUFFICIENT USE OF HISTORICAL INFORMATION TO INFORM DECISION-MAKING

There are concerns that information about a child or youth may be overlooked in decision-making due to lack of accessibility to, and volume of, information, and because information is kept in both paper and electronic records. This systemic issue was originally identified in the 2009-10 Annual Report and while the Ministry has continued work in this area, accessing historical information in a timely manner remains problematic for caseworkers.

MINISTRY OF HUMAN SERVICES STATUS

Work continues in this area.

The Ministry continues to communicate the expectation that all available information must be used when making decisions about a child. The new Intervention Services Information System (ISIS) is currently being phased in throughout the province.

- Revised policy, which reinforced the importance of accessing all available information on a file when making decisions, was implemented on October 1, 2011.
- Implementation of ISIS, the new electronic information system, began in September of 2011. ISIS is reported to be more user friendly than the current database and will provide staff with enhanced search capabilities and increased access to information.
- ISIS was implemented in a total of 13 DFNAs and 6 CFSAs in 2011; significant effort was committed in the 2011-2012 fiscal year to successfully implement in the remaining 7 DFNAs and 4 CFSAs.

Policy regarding gathering information at different stages in the life of the file has not been evaluated at this time. Monitoring and evaluative components to the policy cycle for the new policy manual have yet to be developed.

ADVOCATE'S RECOMMENDATION FROM 2009

Determine how to identify and bring forward historical health, educational, and family/placement information on case files to make it more accessible to caseworkers.

PROGRESS IDENTIFIED BY CHILD AND YOUTH ADVOCATE

As in previous annual reports, the Advocate recommends the Ministry find an effective way to identify and bring forward historical health, educational, and family/placement information on case files to make the information more available to caseworkers. While ISIS is a more comprehensive electronic recording system, and may help bring historical information forward, the Ministry needs to ensure that historical information is being used to support appropriate decision-making for young people.

2011-12 *Systemic Issues*

CONNECTION TO FAMILY AND COMMUNITY

BACKGROUND

Permanency has long been recognized as a significant issue for young people coming into care. For young people in care, "permanency" refers to their legal status, living environment and a sense of stability in their relationships. This sense of stability that comes from stable, on-going relationships is known as "relational permanency," and is the most important aspect of life for young people. It is also the aspect those in care most often feel is not consistently met.

WHAT WE FOUND

The OCYA recognizes that not every young person is able to remain connected to family and community, and that for some, maintaining these connections is not in their best interest. However, the majority of young people who come into care do need these relationships – they are a priority and a right.

The following are common concerns we hear from young people:

- Loss of relationships with a parent, guardian or other meaningful relationship;
- Physical separation or isolation, whether self-imposed or otherwise;
- The constraints of being in care that prevent them from spending time with friends or participating in activities with others;
- Health conditions or lack of financial resources that limit activities (research shows young people coming into care are more likely to experience negative effects on their health).

WHY THIS IS IMPORTANT TO YOUNG PEOPLE

Strong connections to family and community are significant protective factors for young people. These connections help them maintain a sense of history and identity – a place in the world. When young people are separated from their family of origin and come into care, these connections are often disrupted. This heightens the need for them to maintain relationships and be cared for by people who cultivate a sense of community and belonging. Meaningful connections may include family, extended family, friends, culture, religion, school, sports and activity groups and other supports.

Why I think that advocacy is important: In a democratic society, all citizens have rights and are entitled to a range of services and to participate in decisions that affect their lives. The network of public and private agencies and organizations which provide health, social welfare, educational, legal and other services has become increasingly complex, and difficult to access. Ironically, when people are most in need of these services they may also be in a situation of some vulnerability in terms of age, disability, lack of education etc., so that accessing these rights and services becomes particularly difficult. The support of an advocate can ensure that the voice of the vulnerable person is heard, and can become the essential bridge between that person and the assistance they require.

MARGOT HEBERT, RSW, MSW

Child and Youth Advocate

RECOMMENDATIONS

1. The Ministry should set a measurable standard and targeted compliance level to ensure key decisions are made with family and community relationships in mind – particularly when young people come into care or when their placement changes. The efforts put toward meeting this standard should be documented and audited. The standard should focus on:

   - ***Maintaining relationships with family and community.*** Address relationship disruptions and challenges, and identify solutions to resolve or mitigate the related negative impacts.

   - ***Mitigation strategies.*** When a young person is separated from current relationships and connections, the Ministry should work to maintain these relationships in a meaningful way.

2. It is essential that caseworkers are supported to increase both initial and long-term activities to find family members and foster family and other supportive relationships that maintain meaningful connections for young people. This includes involving extended family, as soon as possible, in the decision-making process when bringing a young person into care, or when changing placement. These efforts should continue throughout a young person's involvement with the Ministry. This is especially important for young people to support them to develop and maintain cultural and traditional ties to their families and communities of origin. Maintaining these connections can be a source of strength for young people on a long-term basis.

NEGLECT

BACKGROUND

Young people have the right to grow up in an environment that ensures their needs for safety and survival are met. Neglect is the inability or unwillingness on the part of a guardian to meet a young person's needs.

Neglect – a form of maltreatment – is a complex issue that has many contributing factors, including broader systemic concerns like: poverty; guardian mental health; intergenerational neglect/abuse; lack of access to social supports; intimate partner violence; and previous experiences with child protection services. Young people who experience neglect are at higher risk for mental illness, drug and alcohol abuse, and relationship problems. There are differing views on what constitutes acceptable care and this often makes neglect difficult to recognize, quantify, understand and address.

In short, neglect is currently defined by what is not done to meet a child's needs. These acts of omission differ from acts of commission – like physical and sexual abuse – as they are not as easily defined. Historically, and unfortunately, many child welfare systems have treated acts of omission and commission in the same way. This means that the underlying factors of neglect often go unaddressed and many children end up in out-of-home care when what they really needed were effective and targeted family supports. While removal from the home may address the immediate needs of the young person, this measure is unlikely to enable or support a long-term solution to the issue of neglect for young people or their families. Neglect can also be chronic (long-term) or acute (single incident), which presents additional challenges in determining the appropriate level of intervention.

Neglect is the single most identified issue for children coming to the attention of child intervention services. The *2008 Canadian Incidence Study of Reported Child Abuse and Neglect*[8] found that neglect was the most frequently identified issue for children in the child intervention system, accounting for more than 34 per cent of reported cases. This was more than twice the rates of emotional maltreatment, physical abuse and sexual abuse combined. This elevated level of reported neglect was also identified across Canada and in Alberta within the *2003 Canadian Incidence Study of Reported Child Abuse and Neglect*.[9] Although the high incidence of neglect has been known for some time, the child intervention system in Alberta has, to date, not developed policy or practice to address neglect in a specific way.

WHAT WE FOUND

The *Child, Youth and Family Enhancement Act (Enhancement Act)* identifies both neglect and domestic violence – specifically intimate partner violence – as serious child protection concerns. *The Canadian Incidence Study (2008)* reports that in cases of substantiated maltreatment, 34 per cent of young people were impacted by neglect and another 34 per cent were exposed to intimate partner violence.

Government has identified the need for a differential response when dealing with these issues. This means that as opposed to just assessing the level of risk the child is in, it is necessary to investigate the

8 Trocmé, N., Fallon, B., MacLaurin, B., Sinha, V., Black, T., Fast, E., et al. (2010). *Canadian Incidence Study of Reported Abuse and Neglect – 2008: Major Findings.* Ottawa, ON: Public Health Agency of Canada.

9 Trocmé, N., Fallon, B., MacLaurin, B., Daciuk, J., Felstiner, C., Black, T., et al. (2005). *Canadian Incidence Study of Reported Child Abuse and Neglect – 2003: Major Findings.* Ottawa, ON: Minister of Public Works and Government Services Canada.

cause of the risk and address the underlying and contributing factors. The Ministry currently provides interventions and responses to families based on level of risk as opposed to the type of maltreatment involved. Significant efforts have been made to address the issue of intimate partner violence, i.e. meaningful policy to ensure specific assessment and intervention strategies. While this is positive progress, work still needs to be done to more effectively address neglect.

WHY THIS IS IMPORTANT TO YOUNG PEOPLE

Over a decade ago, Alberta began changing the way it addressed issues related to child maltreatment. The Ministry identified assessment, engagement and collaboration as the key pillars in effective casework. The Ministry focused on increasing family engagement, developing stronger community-based partnerships, increasing the permanent placement of children in family environments, and decreasing the number of children requiring child protection services.

The Ministry focused efforts on preventing abuse, neglect and contributing factors by supporting families through Parent Link Centres, community-based supports such as 'Together for Kids,' and parenting programs such as 'Triple P Parenting.'

While the focus of these efforts is positive, and caseworkers' efforts to reduce risks to children are substantial, there remains a need to address issues related to neglect in specific ways to improve outcomes for children and families who come to the attention of child intervention services.

RECOMMENDATIONS

The Ministry has made considerable effort to understand and learn from the data in the *Canadian Incidence Study*. In 2003 and 2008, information about incidence rates on child maltreatment was reported to the Ministry. The principal researcher for the study met with key Ministry stakeholders in Spring 2012 to outline the findings from the 2008 data. There was discussion about how to more closely align responses to the type of maltreatment identified in the study. Discussions will continue, but it is critical that the Ministry identify actions that it will take to address challenges raised by the study findings.

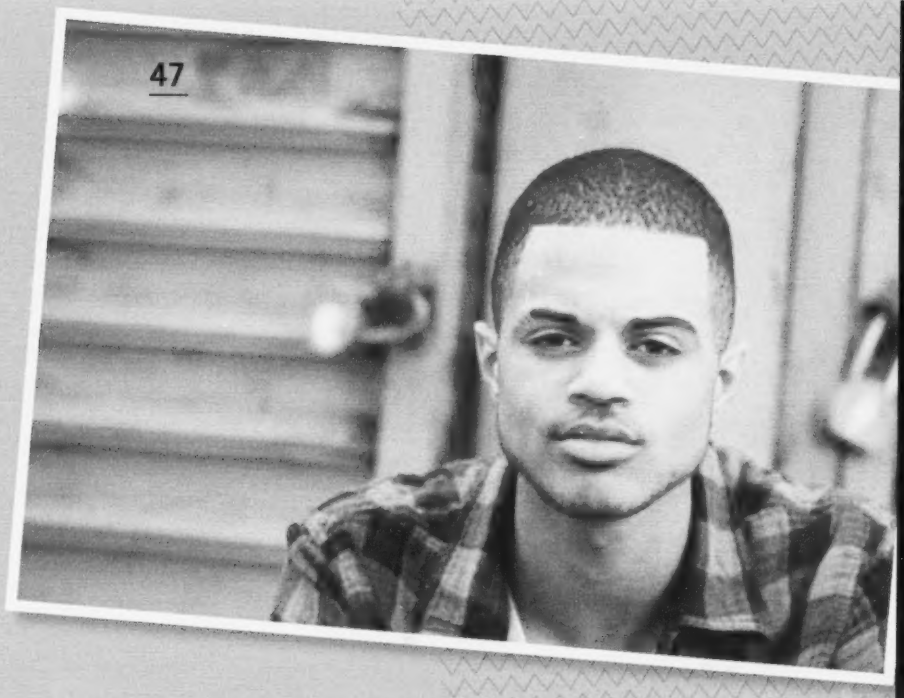
These are not new issues. They were identified in 2003, again in 2008, and now in 2011. Although neglect represents the single most prevalent concern in child maltreatment cases coming to the Ministry's attention, actions taken by the Ministry to address neglect in a specific way are not evident in the child intervention system.

Addressing issues related to neglect can reduce the number of young people coming into care, and increase support to those responsible for ensuring effective intervention. The Ministry should engage stakeholders to identify issues, as well as opportunities to directly address neglect in a manner consistent with best practices in the field. The Ministry should develop and implement a plan to respond specifically to issues of neglect for children and families.

The plan should:

- provide a clear working definition of neglect;
- include an assessment/risk tool specific to neglect issues;
- identify a range of interventions based on best practices to address neglect;
- ensure resources are focused and available to address neglect for young people and their families; and
- include mandatory training initiatives to address neglect for caseworkers, supervisors and others responsible for delivering intervention services.

It is important that planning for this type of practice shift be undertaken with commitment of resources and activity with identifiable milestones and timeframes.



I was apprehended at four, and since then, I have lived in 23 foster homes, four group homes, one psych ward, and have been homeless. Until I was 14, the record for time spent in a single home was a year and a half, and I had never started and finished a school year in the same school until I reached high school. As anyone would feel, the lack of continuity made me feel worthless and bitter. Three months before the school year was over in grade 10, the family that I had known the longest kicked me out, and I was moved into a T-SIL program. It was there that Social Services took on a different light for me; I had never met staff so supportive and willing to provide me with resources, or people who treated me like a PERSON, as opposed to another temporary resident who had an expiration date. I remember being 15 and being pissed that the only people who spent time with me were the ones who were paid to do so. I was angry, hateful, bitter, introverted, but I was constantly trying to hide it and instead be a people-pleaser so that I wouldn't have to move again. **Youth in Care**

CLOSING REMARKS

In 2011, the Office of the Child and Youth Advocate (OCYA) served vulnerable young people through Advocacy and Legal Representation for Children and Youth (LRCY), prepared for a significant change to become an independent Office of the Legislature, and made recommendations to the Ministry of Human Services about taking action on systemic issues to improve services for young people.

Young people continue to confirm the importance of Advocacy to enable and support them to have their rights, interests and viewpoints considered by decision makers. In LRCY, representing young people in court matters through a roster of lawyers continues to be important to convey their interests in these matters. The OCYA has undertaken significant restructuring to separate from the Ministry of Human Services to prepare for becoming an independent Office of the Legislature and to enable the OCYA to meet its new legislated mandate

In this year's Annual Report, the OCYA provided updates about systemic issues identified in the 2010-11 Annual Report. Recommendations included taking action to ensure young people understood their rights, creating a system to learn from mandatory notifications to inform policy and practice across the province, and taking action to reduce the disproportionate number of Aboriginal children in care.

The Ministry has developed a policy to provide direction to casework staff to talk with young people about their rights. The Ministry needs to ensure the discussions are taking place and implementation of the policy is effectively helping young people to understand and exercise their rights.

The Ministry has not developed a system to track, monitor, analyze and learn from mandatory notifications to inform policy and practice across the Province.

I think before C&FS can start transitioning clients out of Independent Living programs they should ensure that Clients have solid relationships outside of the C&FS environment.

Youth in Care

The Ministry has not taken action in partnership with the Aboriginal stakeholders to safely reduce the number of Aboriginal young people coming into care, reducing the amount of time they are in care and increasing their connection to their family, community and Nation.

It is clear that implementation of recommendations from the 2010-11 Annual Report have not been achieved in at least two of the three areas identified. A positive difference for young people in the child intervention system will be made once these recommendations are implemented.

Recommendations made by the OCYA must be tracked with updates at regular intervals to ensure progress is being made to fully implement recommendations. The OCYA is committed to developing a system to track progress made on recommendations to improve services to young people.

The Office of the Child and Youth Advocate is committed to the young people it serves. We will continue to advocate on their behalf so they can receive the support they need to make positive progress in their lives. We want a child intervention system that serves Alberta's young people well – a system where their rights interests and viewpoints are affirmed and acted upon.

Transitioning into independent living was stressful because I had quite the turnover rate for social workers. I felt like I had to re-tell my life story to numerous people, and honestly, I do not like talking about what has happened in my life. Personally, I would have greatly benefited from a proper phasing out program instead of the rushed process I went through—it basically felt to me like they were doing anything to get me out of the program instead of making sure I was ready to be truly independent.

Youth in Care

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